

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP NOS.917 AND 918 OF 2017

AND WP.NOS.36618 AND 36619 OF 2015

1 THE ADDITIONAL CHIEF SECRETARY [PETITIONER IN BOTH THE PETITIONS]
/ COMMISSIONER OF REVENUE ADMINISTRATION,
CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR,
KRISHNAGIRI.

Vs

R.BALAKRISHNAN

[RESPONDENTS IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the Interim Order granted on order 18.11.2015 and made in MP No.1 of 2015 in WP No.36618/ 2015 (in WMP.917/18 in WP.No.36618/15) and;

(ii) to vacate the interim order granted on order 08.11.2015 and made in M.P.No.1 of 2015 in w..No.36619 / 2015 (in WMP.918/17) in WP.No.36619/15) respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.K.RAVIKUMAR Additional Government Pleader for the petitioner in both the petitions and of MR.S.VIJAYAKUMAR Advocate on behalf of the respondents in both the petitions the court made the following order:-

Heard the learned counsel for the petitioner as well as the learned counsel for the respondent in this Miscellaneous Petition.

2. As it appears that the Writ Petitioner while functioning as a Deputy Tahsildhar in the office of the Tahsildhar, Hosur submitted a leading note in a file for change of recording a patta in the name of a person pursuant to which precious Government land in the said khalsi, where he was working came to be recorded, in the name of that person by the order of the Tahsildhar. It is alleged that the Writ Petitioner in the leading note given, had not brought to the notice of the Tahsildhar the relevant materials, which would have weighed the mind of Tahsildhar in passing such an

order. Therefore, the disciplinary proceedings has been initiated against him and he has been put under suspension. The writ petitioner had challenged the same in the Writ Petitions. This Court already issued notice and stayed the Charge Memo as well as the order of suspension, in the aforesaid Writ Petitions. These Miscellaneous Petitions have been filed to vacate the stay, by the respondents.

3. Considering the fact that prima facie it appears the petitioner to have acted bonafidely in discharging of his official duty, when this Court has granted stay of Charge Memo as well as the order of suspension and prima facie the materials also exist indicating the fact that the writ petitioner has got case and also of the balance of convenience is in his favour and he will be subject to irreparable loss, this Court is of the view that the prayers made to vacate such orders are devoid of merits. Accordingly, the same stand dismissed. The interim order of stay already granted is made absolute

-sd/-
19/03/2018
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF SECRETARY
COMMISSIONER OF REVENUE ADMINISTRATION,
CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR,
KRISHNAGIRI.

C.C. TO MR.S.VIJAYA KUAMR Advocate SR.Nos.3399 and 3400

The Government Advocate, High Court, Madras - 104.

Order
in
WMP NOS.917 AND 918 OF 2017
AND WP.NOS.36618 AND 36619 OF 2015
Date :19/03/2018

From 26.2.2001 the Registry is issuing certified
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SDR 26.03.2018